

REMARKS

Claims 1, 3-11, and 13-17 remain in the application and have been amended hereby with claims 2 and 12 having been canceled, without prejudice or disclaimer.

Reconsideration is respectfully requested of the rejection of the claims under 35 USC 102(e), as being anticipated by Ginter et al.

The present invention, as described in the specification, provides a digital processing apparatus for offering an additional service to a user by using encoded digital data that is already stored in the storage medium. The inquiry information is generated in association with the encoded digital data. The present digital signal processing apparatus discriminates whether the encoded digital data has been purchased legally or not and offers an additional service, such as transmitting the encoded digital data to another storage medium only when the encoded digital data has been discriminated as being legally purchased data. The claims have been amended hereby to emphasize the above-noted features of the present invention.

Ginter et al. relates to a secure transaction management system including so-called electronic rights protection, in which information can be accessed and used only in authorized ways and in which the integrity of the information can be maintained. In Ginter et al., a request for the information results in downloading the requested information. On the other hand, according to the present invention, the information or digital data of the claims is already stored in the storage medium and

the apparatus makes inquiries as to whether the stored information has been legally purchased. In Ginter et al., the paragraph 0222 discloses the transmitting of inquiry information to an information center, the inquiry information being generated in association with digital data that has been recorded on a storage medium. Nevertheless, what is disclosed at paragraph 0222 is that a request for one or more services and/or resources is provided. It is respectfully submitted that this is not the same as inquiring whether the information has been legally purchased or not, wherein the information is already stored in the storage medium.

Therefore, it is respectfully submitted that Ginter et al. fails to anticipate the present invention.

Accordingly, by reason of the amendments made to the claims hereby, as well as the above remarks, it is respectfully submitted that a digital signal processing apparatus offering an additional service to a user by using encoded digital data that is already stored in the storage medium, as taught by the present invention and as recited in the amended claims, is neither shown nor suggested in the cited reference.

The references cited as of interest have been reviewed and are not seen to show or suggest the present invention as recited in the amended claims.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

COOPER & DUNHAM

A handwritten signature in dark ink, appearing to read "Jay H. Maioli". The signature is fluid and cursive, with the first name "Jay" and last name "Maioli" being clearly legible.

Jay H. Maioli
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JHM:tb